

# House File 2498 - Introduced

HOUSE FILE 2498  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 705)

## A BILL FOR

1 An Act relating to education, including modifying provisions  
2 related to open enrollment, teacher librarian endorsements,  
3 and the placement of children identified as requiring  
4 special education in competent private instruction.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

2 PRIVATE INSTRUCTION — SPECIAL EDUCATION

3 Section 1. Section 299A.9, subsection 1, Code 2022, is  
4 amended to read as follows:

5 1. A child of compulsory attendance age who is identified  
6 as requiring special education under [chapter 256B](#) is eligible  
7 for placement under competent private instruction ~~with prior~~  
8 ~~approval of the placement by the director of special education~~  
9 ~~of the area education agency of the child's district of~~  
10 ~~residence.~~

11 Sec. 2. Section 299A.9, Code 2022, is amended by adding the  
12 following new subsection:

13 NEW SUBSECTION. 3. The parent, guardian, or legal custodian  
14 of a child who is identified as requiring special education  
15 may request dual enrollment pursuant to section 299A.8. The  
16 appropriate special education services for the child shall be  
17 determined pursuant to [chapter 256B](#) and rules adopted pursuant  
18 to [chapter 256B](#).

19 DIVISION II

20 OPEN ENROLLMENT

21 Sec. 3. Section 282.18, subsection 5, Code 2022, is amended  
22 to read as follows:

23 5. a. Open enrollment applications filed after March 1  
24 of the preceding school year that do not qualify for good  
25 cause as provided in [subsection 4](#) shall be subject to the  
26 approval of the board of the resident district and the board  
27 of the receiving district. The parent or guardian shall send  
28 notification to the district of residence and the receiving  
29 district that the parent or guardian seeks to enroll the  
30 parent's or guardian's child in the receiving district.

31 b. A decision of either board to deny an application filed  
32 under [this subsection](#) involving repeated acts of harassment  
33 of the student that the resident district cannot adequately  
34 address, a consistent failure of the resident district to  
35 reasonably respond to a student's failure to meet basic

1 academic standards after notice provided by a parent or  
 2 guardian, or a serious health condition of the student that  
 3 the resident district cannot adequately address is subject to  
 4 appeal under [section 290.1](#). A decision of either board to  
 5 deny an application filed under this subsection related to the  
 6 sibling or stepsibling of a student described in this paragraph  
 7 is also subject to appeal under section 290.1.

8 c. The state board shall adopt by rule the criteria  
 9 for determining a resident district's consistent failure  
 10 to reasonably respond to a student's failure to meet basic  
 11 academic standards and shall exercise broad discretion to  
 12 achieve just and equitable results that are in the best  
 13 interest of the affected child or children.

14 Sec. 4. Section 282.18, subsection 11, paragraph a, Code  
 15 2022, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (08) If the pupil participates in  
 17 open enrollment because the pupil's sibling or stepsibling  
 18 participates in open enrollment as a result of the sibling  
 19 or stepsibling's appeal under section 282.18, subsection 5,  
 20 paragraph "b".

### 21 DIVISION III

#### 22 TEACHER LIBRARIANS

23 Sec. 5. Section 256.11, subsection 9, Code 2022, is amended  
 24 to read as follows:

25 9. Beginning July 1, 2006, each school district shall have a  
 26 qualified teacher librarian who shall be licensed by the board  
 27 of educational examiners under [chapter 272](#). Such license shall  
 28 not require the completion of a master's degree. The state  
 29 board shall establish in rule a definition of and standards for  
 30 an articulated sequential kindergarten through grade twelve  
 31 media program. A school district that entered into a contract  
 32 with an individual for employment as a media specialist or  
 33 librarian prior to June 1, 2006, shall be considered to be  
 34 in compliance with [this subsection](#) until June 30, 2011, if  
 35 the individual is making annual progress toward meeting the

1 requirements for a teacher librarian endorsement issued by the  
2 board of educational examiners under [chapter 272](#). A school  
3 district that entered into a contract with an individual for  
4 employment as a media specialist or librarian who holds at  
5 least a master's degree in library and information studies  
6 shall be considered to be in compliance with [this subsection](#)  
7 until the individual leaves the employ of the school district.

8 EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill relates to education by modifying provisions  
12 related to open enrollment, teacher librarian endorsements,  
13 and the placement of children identified as requiring special  
14 education in competent private instruction.

15 DIVISION I — PRIVATE INSTRUCTION — SPECIAL EDUCATION. The  
16 bill provides that a child of compulsory attendance age who  
17 is identified as requiring special education is eligible for  
18 placement under competent private instruction without prior  
19 approval of the placement by the director of special education  
20 of an area education agency. The bill also provides that a  
21 child who is identified as requiring special education may  
22 request dual enrollment and the appropriate special education  
23 services for the child shall be determined pursuant to Code  
24 chapter 256B (special education).

25 DIVISION II— OPEN ENROLLMENT. Current law provides  
26 that the decision of the board of a resident school district  
27 or receiving school district to deny an open enrollment  
28 application filed after March 1 of the preceding school year  
29 that involves repeated acts of harassment of the student that  
30 the resident district cannot adequately address, a consistent  
31 failure of the resident district to reasonably respond to a  
32 student's failure to meet basic academic standards after notice  
33 provided by a parent or guardian, or a serious health condition  
34 of the student that the resident district cannot adequately  
35 address is subject to appeal under Code section 290.1. The

1 bill provides that this right of appeal also applies to a  
2 decision of either board to deny an open enrollment application  
3 related to the sibling or stepsibling of such a student.  
4 Additionally, the bill authorizes the sibling or stepsibling of  
5 such a student, attending a grade in grades 9 through 12, who  
6 does participate in open enrollment to participate immediately  
7 in a varsity interscholastic sport.

8     DIVISION III — TEACHER LIBRARIANS. The bill removes the  
9 requirement that the holder of a teacher librarian endorsement  
10 have a master's degree.